

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services- I & CAD Department - Sri P. Subrahmanyam, Deputy Executive Engineer (Retd.)-awarded a punishment of withholding of entire pension and DCRG - Review Petition filed – WP filed in the Hon'ble High Court in No. 9598/2000 against the orders of APAT in O.A.No.474/1995 dt. 29.12.1999-charged officer expired- Judgment of the Hon'ble High Court dt. 16.7.2009 -Further action abated –Orders Issued.

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IRRIGATION & CAD (SER.X.1) DEPARTMENT

G.O.Ms.No. 238

Dt:26.08.2009.

Read the following:

1. G.O.Rt.No.40, I & CAD (CAD.Ser.II) Dept., dt. 12.1.1998.
2. Representation of Sri P. Subrahmanyam, DEE(Retd.), dt.-Nil-
3. Orders of APAT dt. 29.12.1999 in O.A.No.474/1995 filed by Sri P. Subrahmanyam, DEE(Retd.)
4. From the Hon'ble High Court, Interim orders dt. 18.7.2000 in WP MP No. 12260/2000 in WP No.9598/2000 filed by the Government
5. G.O.Rt.No.1114,I& CAD (CAD.Ser.II) Dept., dt. 20.12.2000
6. From the Hon'ble High Court, Orders dt. 16.7.2009 in WP No.9598/2000 filed by the Government

O R D E R:

In the G.O. 1st read above, Government issued orders imposing a penalty of cut of entire pension, and also withholding the entire DCRG, permanently against Sri P. Subramanian, Deputy Executive Engineer (Retd.) for the irregularities committed in the execution of work UT at M. 3-6-035 of Pamidipadu branch canal that had resulted in the collapse of UT on 26.1.1984.

In the reference 2nd read above, Sri P. Subrahmanyam, Deputy Executive Engineer (Retd.), filed a review petition before the Government stating his problems and expressing that he was unable to meet the expenditure towards his lively hood and the maintenance of his family. He therefore requested the Government to reconsider the earlier orders and release the pensionary benefits on humanitarian grounds. While the matter was under active consideration of the Government, Sri P.Subrahmanyam, Deputy Executive Engineer (Retd), filed O.A.No.474/1995 before the APAT, questioning the validity of the inquiry itself. The Hon'ble APAT in its orders dt. 29.12.1999, allowed the O.A. and set aside the impugned orders i.e. Memo.No.189 /CAD.Ser.II-2/ 89-13, dt. 14.9.1993 and G.O.Rt.No.40, I & CAD (CAD.Ser.II-2) Department dt. 12.1.1998, and remitted back the case to the respondents to take appropriate action in accordance with the provisions of APCS (Disciplinary Proceedings Tribunal)Act. 1960.

Aggrieved by the above orders, the Government have filed WP No. 9598/2000 in the Hon'ble High Court against the orders of APAT in O.A.No.474/1995 dt. 29.12.1999. The Hon'ble High Court in its interim orders dt. 18.7.2000, have directed the Government to pay the provisional pension to the respondent / petitioner by granting the interim suspension. Accordingly, Government have sanctioned provisional pension in G.O.5th read above.

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In the reference 6th read above, the Hon'ble High Court in its judgment dated 16.7.2009 in WP No. 9598/2000 has delivered the following judgment.

"Learned counsel appearing for the respondent submits that the sole respondent died on 17.1.2007 and subsequently his wife also died on 11.4.2009 and therefore the Write Petition abates.

Regarding the above submission the Writ Petition is accordingly dismissed as abated. No order as to costs."

Government after careful examination of the matter have decided to abate further action against late P. Subrahmanyam, Deputy Executive Engineer (Retd) and release the retirement benefits to his legal heirs as per Rule 46 to 49 of AP Revised Pension Rules, 1980 and the executive instructions issued in G.O.Ms.No.14, Finance and Planning (FW .Pen. I) Dept., dt. 30.1.1999. Accordingly further action is hereby abated against late P. Subrahmanyam, Deputy Executive Engineer (Retd).

The Engineer-In-Chief (Admn.Wing) shall take necessary action accordingly and release the retirement benefits to the legal heirs of late P. Subrahmanyam, Deputy Executive Engineer (Retd) as per Rule 46 to 49 of AP Revised Pension Rules, 1980 and the executive instructions issued in G.O.Ms.No.14, Finance and Planning (FW.Pen.I)Department, dt. 30.1.1999.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-In-Chief(Admn.Wing),
Irrigation & CAD Department, Hyderabad
The legal heirs of late P. Subrahmanyam,
Deputy Executive Engineer (Retd.)
through the Engineer-In-Chief (Admn.Wing)
Irrigation & CAD Department, Hyderabad.

Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
SF/SC

//FORWARDED: : BY ORDER//

SECTION OFFICER